

## **SUBCHAPTER D : PUBLIC HEARING**

### **§295.171. Request for Public Hearing.**

(a) A request for public hearing on an application for a water use permit or amendment made by the applicant, the executive director, or an affected person who objects to the application must be made in writing and must be submitted to the commission within 30 days after the publication of the notice of application. The commission may extend the time allowed for submitting a request for public hearing.

(b) A written request for a hearing from an affected person who objects to the application shall contain the following information:

- (1) the name, mailing address, and phone number of the person making the request;
- (2) the application number or other recognizable reference to the application;
- (3) a brief description of the interest of the requester, or of persons represented by the requester; and,
- (4) A brief description of how the application, if granted, would adversely affect such interest.

### **§295.172. Public Hearing.**

The commission may conduct a public hearing on any application. If the commission has received a request for public hearing which it determines is in compliance with §295.171 of this title (relating to Request for Public Hearing), if it determines that a public hearing would serve the public interest, or if a commissioner requests a public hearing, the commission shall conduct a public hearing. If the commission determines that a public hearing must be held, the matter shall be remanded for hearing. See §295.157 of this title (relating to Notice of Hearing).

### **§295.173. Action on Application Without Public Hearing.**

The commission may take action on an application requiring public notice at a regular meeting, without holding a public hearing, provided:

- (1) at least 30 days prior to the regular meeting at which action is taken, notice of the application has been given by publication and by mail;

(2) within the 30-day period after the publication of the notice, no request for a public hearing has been submitted by the executive director, the applicant, or an affected person who objects to the application; and

(3) no commissioner has submitted a request for public hearing within the 30-day period after publication of the notice or requests a public hearing at the regular meeting of the commission at which action on the application could be taken according to such notice.

**§295.174. Applications for Temporary Permits, Emergency Permits, and Authorization to Divert Water From Un-sponsored and Storage-Limited Projects for Domestic and Livestock Purposes.**

The sections in this subchapter relating to requests for public hearings and the requirements to hold public hearings in certain circumstances do not apply to applications for temporary water use permits, emergency water use permits, or authorization to divert water from unsponsored and storage-limited projects for domestic and livestock purposes. In these specified instances, the commission may conduct such hearings as it deems appropriate. However, the commission shall conduct a hearing on a temporary permit if it has been provisionally issued and if the permit has been cancelled upon request of the executive director pursuant to §295.181 of this title (relating to Provisional Disposition of Application for Temporary Permit).

**§295.175. Cancellation of Water Rights.**

The commission shall conduct a hearing to determine whether a water right should be cancelled, in whole or in part, under the Texas Water Code, §§11.171-11.186 if the executive director requests such a hearing. A hearing under the Texas Water Code, §11.146, is required in order to determine whether a permit has been or should be forfeited and cancelled in whole or in part for failure of the permittee to commence or complete construction, unless permittee executes a form abandoning all rights under the permit and waiving rights to notice and hearing thereon. No hearing is required if the water right holder executes a form abandoning all rights under the water right and waiving the right to notice and hearing.

**§295.176. Public Hearing on Application for Local Sponsor Designation.**

After a local sponsor application is filed with the commission, the chief clerk shall issue a notice of public hearing to be published by the applicant or his agent in a newspaper having general circulation in that section of the state where the project is proposed to be located. After notice, the commission shall hold a public hearing to consider applications for local sponsor designations. Any interested party may appear and be heard for or against an applicant being designated as local sponsor of a project. After notice and hearing, the commission shall grant or reject the application and shall state its reasons. The commission may designate co-sponsors for the project, or it may grant one application and deny others.